

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ADAMS LAND & CATTLE CO.,)	
)	
Plaintiff,)	8:06CV486
)	
v.)	
)	
THE HARTFORD FIRE INSURANCE)	ORDER
COMPANY,)	
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff's motion to dismiss its second claim for relief (unjust enrichment) without prejudice (Filing No. 166), and defendant's response (Filing No. 177), in which defendant opposes the dismissal without prejudice, claiming that if dismissed, it should be dismissed with prejudice. The plaintiff has filed a reply brief (Filing No. 182) in which it states that plaintiff is aware that whether dismissed with or without prejudice, plaintiff would probably be barred from bringing this claim at a later date and, therefore, "was not overly concerned with whether its second claim for relief is dismissed with or without prejudice."

The Court finds that plaintiff's second claim for relief should be dismissed with prejudice. Accordingly,

IT IS ORDERED that plaintiff's second claim for relief is dismissed with prejudice.

DATED this 10th day of December, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court